

**SPEX 2009-0011 & SPEX 2009-0029-Potomac Radio**  
**CONDITIONS OF APPROVAL – May 26, 2010**  
(Approved by Board of Supervisors June 2, 2010)

1. **Substantial Conformance** - This Special Exception to permit development of AM radio towers as a public utility within the floodplain shall be developed in substantial conformance with Sheets 1 of 4 and 3 of 4 (the “Special Exception Plat”) of the plan set entitled “Potomac Radio, Special Exception Plat/ Commission Permit Application” dated February 2009, revised through March 2, 2010, prepared by Patton Harris Rust & Associates, PC (the “Plans”), and incorporated herein by reference and the applicable provisions of the Loudoun County Zoning Ordinance. Approval of this application for Tax Map Number /80///4///A2/ (PIN# 041-37-4022) (the “Property”) shall not relieve the Applicant or the owners of the Property or any Lessee from the obligation to comply with and conform to any other Zoning Ordinance, Codified Ordinance, or applicable regulatory requirement.
2. **Riparian Planting Plan** -The Applicant shall install all the plant materials and trees in the amounts and sizes specified, at the general locations depicted on, and of a character consistent with, the “Planting Plan”, dated December 20, 2009 prepared by blueskies environmental associates, inc. of Richmond, Virginia, and shown on Sheet 4 of 4 of the Plans (the “Planting Plan”). Prior to approval of the first site plan for the Special Exception use, the Applicant shall post a bond with the County in an amount and with surety satisfactory to the County sufficient to cover the cost of implementing the Planting Plan. The Applicant shall ensure that a minimum of eighty (80%) percent of the initial planting is maintaining healthy growth after each of the first six growing seasons based upon annual re-inspections by the Applicant and the County Urban Forester. Should it be determined that a minimum of eighty (80%) percent survival with uniform distribution is not achieved after any of the first six growing seasons, the applicant shall provide supplemental planting to bring the project to full stocking consistent with the “Planting Plan”. The planting project shall be deemed complete and the bond shall be released: 1) at any time the County Urban Forester with the Applicant have determined the planting to be established; or 2) after the final planting following the sixth growing season.
3. **Heron Rookery** – No land disturbing or construction activities shall be performed or permitted within the area of the Special Exception during the heron nesting season defined as from February 15 through July 31 of each year. The on-site auxiliary generator may be used only in emergency situations during the said heron nesting season when electrical power has been interrupted. Periodic testing of the on-site auxiliary generator shall not be conducted during the heron nesting season to avoid potential noise impacts to the rookery.
4. **Exterior Lighting** – No permanent exterior lighting shall be permitted within the area of the Special Exception unless directed by the County or unless otherwise required by the Federal Communications Commission or the Federal Aviation Administration, State or Federal authorities.

5. **Noise** - The applicant shall incorporate noise attenuation measures in the design and operation of the facility to ensure that noise levels emanating from equipment on the Property shall comply with a maximum of 75 dBA at the Property lines.
6. **Auxiliary Generator**- The on-site auxiliary generator will be fueled by natural gas which will be supplied by an underground gas line. No fuel storage shall occur on the property.
7. **Cessation of Use** - The Applicant or its successors shall remove all unused related above ground structures and equipment from the area of the Special Exception, within 90 days of cessation of use or the expiration of the ground lease, whichever occurs first, and restore the site as closely as possible to its natural condition consistent with the Planting Plan.
8. **Advertising**- No commercial advertising shall be permitted on any tower.
9. **Communication Uses**- No antenna, satellite or microwave dish shall be attached to any tower without first obtaining approval of a new Special Exception for such use.

Note: The Applicant has agreed to provide a one-time contribution to the County in the amount of \$1,000.00 for the radio towers, and an additional \$0.10 per square foot of gross floor area of the transmitter building, for volunteer fire and rescue services. The \$1,000.00 contribution will be paid to the County prior to issuance of a building permit for any radio tower. The \$0.10 per square foot of gross floor area of the transmitter building will be paid to the County prior to the issuance of the building permit for the transmitter building. The square footage contribution shall escalate annually from the base year of 1988 and change effectively each January 1<sup>st</sup> thereafter, based on the Consumer Price Index for all urban consumers (CPI-U), 1982-1984=100 (not seasonally adjusted) as reported by the United States Department of Labor, Bureau of Labor Statistics.